

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

|                           |   |                     |
|---------------------------|---|---------------------|
| RAY S. LOBB,              | ) |                     |
|                           | ) |                     |
| Plaintiff,                | ) |                     |
|                           | ) | Civil No. 05-469-HU |
| v.                        | ) |                     |
|                           | ) | ORDER               |
| UNITED STATES OF AMERICA, | ) |                     |
|                           | ) |                     |
| Defendant.                | ) |                     |
| _____                     | ) |                     |

Ray S. Lobb  
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Pro Se Plaintiff

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KING, Judge:

The Honorable Dennis J. Hubel, United States Magistrate Judge, filed Findings and Recommendation on August 24, 2005. Plaintiff filed timely objections to the Findings and Recommendation. When either party objects to any portion of a magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The matter is before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

This court has, therefore, given de novo review of the rulings of Magistrate Judge Hubel. This court ADOPTS the Findings and Recommendation of Magistrate Judge Hubel dated August 24, 2005 in its entirety.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (#6) for lack of subject matter jurisdiction is granted. All other pending motions are moot. This action is dismissed.

DATED this 30<sup>th</sup> day of September, 2005.

/s/ Garr M. King

GARR M. KING  
United States District Judge